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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,622	07/07/2000	David T. Meckenstock	B-67587 (014354/0003)	6467
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i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			EXAMINER TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/611,622	<b>Applicant(s)</b> MECKENSTOCK ET AL.	
	<b>Examiner</b> LeChi Truong	<b>Art Unit</b> 2194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-4, 7-22 are presented for the examination.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of Sandahl et al (US. Patent 6,098,098).

3. **As to claim 1**, Ciccone teaches the invention substantially as claimed including: the invention for programming point of sale devices (monitored nodes 6,8/ col 2, ln 29-32/ nodes 55, col. 7, line 10, in the banking system, col. 2, line 43), comprising:

a device programming system (system 2 having a monitoring node 22 and repository node 24, col. 3, lines 40 –48);

a communication interface (interface connectable to line 32 within system 2, fig. 1); and  
wherein the plurality of devices includes devices having proprietary operating systems from two or more different manufacturers (col. 2, lines 28 – 37).

Ciccone does not teach the communication interface for receiving update requests from the plurality of devices. Specifically, the device programming system 2 initiates any update to

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the nodes 55. Ciccone teaches a communication interface for sending update request to the devices.

4. In summary, Ciccone does not teach the initiation of the device update by the device itself. However, Sandahl teaches a device programming system for programming a plurality of devices (computer based equipment, col. 4, lines 10 – 16). Specifically, each device itself initiates the update request. The device programming system is coupled to an interface to receive the update request from the device (file transfer request, col. 8, lines 23 - 25, col. 6, line 47 - col. 7, line 6).

5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone and Sandahl because they both teach a device programming system for programming a plurality of devices. Sandahl's teaching of device initiated update request would increase the flexibility of Ciccone by allowing the devices themselves to have the opportunity to request update.

6. Claims 2, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of Sandahl et al (US. Patent 6,098,098), as applied to claim 1 above, and further in view of Resende (6,643,626 B1).

7. As to claim 2, Ciccone and Sandahl do not teach a device update file. However, Resende teaches a device update file (the admin/marketing, update the inventory of a sales point, col 5, ln 53-67 to col 6, ln 1-10/ Fig. 1).

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8. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone, Sandahl and Resende because Resende's update file would improve the flexibility of Ciccone and Sandahl's systems by allowing a control center to monitor various sale point systems to reevaluate market strategy such as improving sales, improving profit margins, etc.

9. As to **claim 7**, Resende teaches a device setup system operable (the admin/marketing, update the inventory of a sales point, col 5, ln 53-67 to col 6, ln 1-10/ Fig. 1), a plurality of point of sale devices (the various sales points, col 5, ln 1-25).

10. As to **claim 8**, Resende teaches provide configuration data updates (the modification of merchandise inventories / update the inventory of sales point, col 5, ln 54-67 to col 6, ln 1-5).

11. As to **claim 9**, Resende teaches a device analytical system operable performs troubleshooting (inventory control, security, and marketing, col 4, ln 56-67/ col 6, ln 1-35).

12. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of Sandahl et al (US. Patent 6,098,098), as applied to claim 1 above, and further AN (IEE OPOS (USPOS)\* Compatible Pole Display Software).

13. As to **claim 3**, Ciccone and Sandahl do not teach a class of point sale devices. However, AN teaches a class of point sale devices (a device class, section device class, page 1).

14. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone, Sandahl and AN because AN's class device

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would provides an open device driver architecture that allow point of same hardware to easily integrated into POS systems.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of Sandahl et al (US. Patent 6,098,098), as applied to claim 1 above, and further in view of Rogge et al (US. 5,500,890).

16. As to claim 4, Ciccone and Sandahl do not teach a polling system operable to poll each point of sale. However, Rogge teaches a polling system operable to poll each point of sale (the controller 24.... indicated polling, col 12, ln 15-51).

17. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone, Sandahl and Rogge because Rogge's polling would transfers data over the transaction approval network.

#### ***Claim Rejections - 35 USC § 102***

18. Claims 10, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ciccone Jr. et al (US. Patent 6,338,149 B1).

19. As to claim 10, Ciccone teaches the invention, comprising: receiving a programming request (request for diagnoses and corrects defects on a specific node 1 10, col. 1, lines 27 – 32);  
determining which of two or more proprietary operating systems is used by the point of sale device (checks the platforms and products of the computer system 4 to determine whether

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they are match the stored templates 28, 30, col 3, ln 43-48/col. 12, line 6, col. 2, lines 27 -37, col. 5, lines 15 – 65); and

transmitting the programming request to the point of sale device based on the proprietary operating system used by the point of sale device (col 3, ln 44-46/ col. 12, lines 22 – 40).

**20. As to claim 14**, Ciccone teaches two or more operation systems (col 2, ln 30-35)

***Claim Rejections - 35 USC § 103***

**21. Claims 11, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of Sandahl et al (US. Patent 6,098,098).

**22. As to claim 11**, Ciccone does not teach the communication interface for receiving update requests from the plurality of devices. Specifically, the device programming system 2 initiates any update to the nodes 55. Ciccone teaches a communication interface for sending update request to the devices.

**23. In summary**, Ciccone does not teach the initiation of the device update by the device itself. However, Sandahl et al teach a device programming system for programming a plurality of devices (computer based equipment, col. 4, lines 10 – 16). Specifically, each device itself initiates the update request. The device programming system is coupled to an interface to receive the update request from the device (file transfer request, col. 8, lines 23 - 25, col. 6, line 47 - col. 7, line 6).

**24. It would have been obvious** to one of ordinary skill in the art the time the invention was made to combine the teachings of Ciccone and Sandahl et al because they both teach a device programming system for programming a plurality of devices. Sandahl 's teaching of device

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initiated update request would increase the flexibility of Ciccone by allowing the devices themselves to have the opportunity to request update.

25. **As to claim 12**, it is an apparatus claim of claim 11; therefore, it is rejected for the same reason as claim 11 above.

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of Rogge et al (US. 5,500,890).

27. **As to claim 13**, Ciccone does not teach a polling system operable to poll each point of sale. However, Rogge teaches a polling system operable to poll each point of sale (the controller 24.... indicated polling, col 12, ln 15-51).

25. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone and Rogge because Rogge's polling would transfers data over the transaction approval network.

26. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) further in view of Resende (6,643,626 B1).

27. **As to claim 15**, Ciccone does not teach a public switched telephone network. However, Resende teaches a public switched telephone network (a switching assembly 120, col 6, ln 36-50/ Fig. 3).



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28. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone and Resende because Resende's update file would improve the flexibility of Ciccone system by allowing a control center to monitor various sale point systems to reevaluate market strategy such as improving sales, improving profit margins, etc.

29. As to **claim 16**, Resende teaches the Internet, a local network, a wide area network and a wireless network (an network 22, such as an Internet, PSTN, Intranet or other suitable communication network, col 5, ln 1-12).

30. Claim **17** is rejected under 35 U.S.C. 102(e) as being anticipated by Ciccone Jr. et al (US. Patent 6,338,149 B1) and further in view of Peters et al (US. Patent 4,99,766).

31. As to **claim 17**, Ciccone teaches storing a file (template 56, col. 7, lines 8 – 10) for each point of sales device (node 55, col. 7, line 10, in the banking system, col. 2, line 433), each file containing device operating commands (col. 5, lines 15 – 37); each of plurality of operating systems, where any of the operation systems can be associated with one or more devices (col 2, ln 29-34), retrieving one of the files (template 56) in response to a programming request (signal indicating node configuration phase, col. 7, lane 5) for a corresponding devices (col. 7, lines 4 – 11); and transmitting the file to the corresponding devices (col. 7, lines 9 – 10).

32. Ciccone does not explicit teach retrieve the files after an operating system for corresponding device has been determined. However, Peters teaches retrieve the files after an operating system for corresponding device has been determined (the file name will vary based on

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the type of operating system that is resident on the host. File sent to an MVS host (MVS environment) will require the user's user rid to be appended to the file name, while the files sent to a VM host (VM environment) will require that user's minidisk letter, col 4, ln 3-12/ ln 37-45).

33. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccone and Peters because Peters's retrieve the files after an operating system for corresponding device has been determined would improve the efficiency of Ciccone's system by allowing the user to construct a list of files to be transferred to dissimilar systems.

34. Claims **18 and 22** are rejected under 35 U.S.C. 102(e) as being anticipated by Ciccone Jr. et al (US. Patent 6,338,149 B1) and further in view of Peters et al (US. Patent 4,99,766) and further in view of Resende (6,643,626 B1).

35. **As to claim 18**, Ciccone and Peter do not teach one class of rules, applying the class of rules to the two or more classes of files. However, Resende teaches one class of rules, applying the class of rules to the two or more classes of files (the control center 24 provide several functions, such as inventory control, security and marketing with various functions preferably being facilitated by various departments, col 4, ln 56-67/ the control center for reevaluating market strategy, col 5, ln 52-67).

36. It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine the teaching of Ciccone, Peter and Resende because Resende's the control

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center for reevaluating market strategy” would improve the implementing of business methods and devices.

**37. As to claim 22**, Resende teaches a change in a business entity (the modification of merchandise inventories, col 5, ln 50-67), determining (predetermined, col 6, ln 1-10), modify of the template (the modification o merchandise inventories contained with each of the various sales points, col 6, ln 1-10), a telephone number, a list of allowable cards, a merchant number, an address, program modules, disabling program, enabling loyalty, disabling loyalty cart, enabling frequent buyer (sales, profit margins, etc, col 5, ln 53-67/ a telephone, a cordless telephone, a backup power supply, a notebook computer....., col 6, ln 36-67).

**38. Claims 19, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone, Jr. et al (US. Patent 6,338, 149 B1) in view of in view of Peters et al (US. Patent 4,99,766) and further in view of Coutts et al (US. 6,311,165 B1).

**36. As to claim 19**, Ciccone and Peters do not teach a point of sale device identifier, locating a data file associated with the point of sale device identifier. However, Scotts teach a point of sale device identifier (the peripheral’s Mac address and a special “broadcast address”(col 22, ln 9-67), locating a data file associated with the point of sale device identifier (using this information the peripheral 364 can access the server 334 and download an operating system, col 22, ln 9-67).

**37. It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine the teaching of Ciccone, Peters and Coutts because Coutts’s a point of sale**

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device identifier, locating a data file associated with the point of sale device identifier would improve the efficiency of Ciccone and Peters 's system by identifying the software device for the server.

38. **As to claim 20**, Scotts teaches receiving request from the point of sale device (a peripheral 364 being operate to transmit information to the server 334, col 21, ln 21-50).

39. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Ciccone Jr. et al (US. Patent 6,338,149 B1) in view of Peters et al (US. Patent 4,99,766), in view of Resende (6,643,626 B1), and further in view of Admitted Prior Art (APA).

40. **As to claim 21**, Ciccone and Peters do not teach imposing configuration constraints on the template based the point of sale device. However, Resende teaches imposing configuration constraints on the template based the point of sale device (transaction reports for each of the various sales points 12 may be utilized by the control center for reevaluating market, col 5, ln 50-67/ col 6, ln 1-7), select the template (reevaluating market strategy, such as for improving sales... col 5, ln 50-67/ col 6, ln 15-19).

41. It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine the teaching of Ciccone, Peter and Resende because the control center for reevaluating market strategy” would improve the implementing of business methods and devices.

42. Ciccono, Peters and Resende do not explicit teach credit card. However, APA teaches credit card (credit card, page 2, ln 5-8).

43. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ciccono, Peters, Resende and APA because APA's credit card would provides a payment processing and the financial institution.

**Response to the argument:**

44. Applicant amendment filed on 9/03/04 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) " the devices of Sandahl are not point-of sale terminals".

(2) " Ciccone does not disclose " determining which of two or more proprietary operating systems is used by the point of sale device".

(3) " it is clear that Ciccone used a single file template for each platform, and performs all functionality based on the " unique platform" and not based on the operating system".

45. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Ciccono teaches computer system 4 is shown, it will be apperiated that a wide range of such systems may be employed( e.g., without limitation, plural node( e.g., from 2-1000s or more nodes) systems for devirse applications susch as enterprise systems, nuclear design, banking, medical, web server, department systems, enginerring, software development, home PC, or other active in regulated inductries, col 2, ln 39-48) and Sandahl teaches computer device as used herein is generic to all computer systems or equipment which are software configurable( col 2, ln 30-34).

As to the point (2), Ciccone teaches the monitor node 22 periodically checks the platform and products of the computer system 4 to determine whether they match the stored templates 28, 30, col 3, ln 4, ln 44-48).

As to the point(3), Ciccone teach the platform attribute including operation system name, operationg system version, operationg system release..., col 5, ln 1-5).

**46. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**42. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is ( 571) 272 3767. The examiner can normally be reached on 8 - 5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

October 7, 2005

  
W. Thompson  
TC 2194  
SPG-2194